

UNION CITY COUNCIL PLANNING APPEALS HEARING MINUTES
Wednesday September 23, 2020 – 7:00 P.M.
Leonard Almquist Council Chambers, 342 S. Main St, Union, OR 97883

This meeting was called to order at 7:00 p.m.

Roll Call: Councilor Leslie McMillan, Councilor Brian McDowell excused because of a conflict of interest, Councilor Jay Blackburn, Mayor Leonard Flint, Councilor Susan Hawkins, Councilor John Farmer excused, Councilor Terra Richter, and City Administrator Doug Wiggins.

The first item on tonight's agenda is a public hearing for the Appeal filed on MNP 20-02 McDowell Pigs.

This public hearing opened at 7:01 p.m.

CA Wiggins began with the staff presentation of fact/record. CA Wiggins read all letters into the record. Copies of the letters can be obtained at City Hall.

The Appellants Representative, Roy King 940 W Bryan Street stated I live within 300 feet of where these pigs will be kept. I want to propose different solutions to this issue. We are not asking it not be allowed within city limits but we don't want it in our neighborhood. This is a much bigger issue; we feel this has come up because the ordinance doesn't address pigs. There are several communities that don't allow this. The article that was presented at the planning meeting was a biased article favoring cooney cooney pigs. The article I submitted states "you will see more rooting from cross bred pigs." We would like to see proof they are pure bred. There are many more breeds that will come up if this isn't dealt with. You have a treasure here and this city has a rich history.

There are long term roots here with many generations from families. We moved here from the large city, we find the people and atmosphere here refreshing. The Council has the authority to build on this treasure. If a can of worms like this gets opened it may not be able to be closed. If this is allowed everyone knows where this will lead. People will say, "Have you been to Union lately, it really stinks over there." Your actions will have a different answer to that, the commission didn't give appropriate weight to our concerns. Make a new ordinance and put this issue to rest.

Those who are for the appeal stated the following:

John Schwendemann 975 N 10th Street stated I have the map of the 300 feet radius that lists all who are against, we want you to understand the residents in this area are against having swine of any kind.

Teresa Valenta 980 W Bryan stated we feel the planning commission allowed it without giving weight to our concerns. It states that the conditions must be met and I don't feel they have been met. This is a livability issue and we are strongly opposed this. We are the ones affected and it will decrease the value of homes. Now more neighbors are interested in having pigs as well.

Mary King 940 W Bryan stated our concern if this is approved is how will it be policed? Will they be pure bred, registered pigs? How will ongoing policing be established? Thank you for your time.

Sherri Schubert 975 N 10th Street stated I am a pig lover. I did give Lindsay the number for the purchase of the pigs but she got rid of those pigs. I didn't know about those other pigs she got and kept. We saw the pigs and they were exposed to the weather, so we fixed up a shelter. It needed care and was not suitable for livestock because of the fox tail grass. We said we would help her at that time and fix the shelter, I think they need to be better taken care of if they stay there.

Those against the appeal stated the following:

Lindsay McDowell 960 W. Hickory stated the pigs are our pets. Our appellants have never been affected by the pigs and never will be. The pigs are well taken care of and the property is well taken care of. There are just as many in favor as there are against. They have included vacant property and two separate names of those living in the same household. Most neighbors enjoy the pigs. When they approved this last month, they approved another family to have pigs as well. Our code doesn't say anything about pigs. Pigs have been kept without a permit for a long time in this city. I hope that you will uphold the decision last month. They are pets, they come when called. They are smart and kind. We do take good care of them and our property. I hope in the future the city doesn't allow itself to be used for malicious, baseless action.

Jim Sheehy 817 N. 10th Street stated I am a neighbor and the pigs have been there since October. They aren't an impact the livability of the neighborhood. Their living space is well contained. The argument that they are pure bred is irrelevant. They are well cared for. As far as other neighbors considering getting pigs, we are the ones who said that but at this time we are not considering it.

Beth Upshaw 663 W Grande I have lived here a long time. I take a lot of pride living here. I didn't want to live in La Grande. We raised two beautiful daughters here. I personally know a lot about animals. I have raised livestock on a ranch. I personally don't know this young lady, but I do know about animals. We live in a great community. These animals are truly companions. I wanted to see the animals so I went over there and they are well cared for. One of them immediately wanted to be rubbed, they aren't a pig. We have bigger things to be worried about in this community. I would like to ask the Council to think about the city.

Under the Rebuttal by Appellants, Roy King stated it stated that these pigs are 50-60 pounds full grown, these pigs can get to 400 pounds.

John Schwendemann stated if you look at the information, there are 11 people against, and 4 for. Majority should be considered because we live in a democracy.

Valenta stated it would be my children who are moving here. We are talking about our neighborhood; we don't want the pigs.

Sherri Schubert stated I had a pig for 2 weeks and that was 26 years ago.

After testimony, Council was given the opportunity to question staff or of those that presented. Councilor Hawkins asked Lindsay McDowell how much land she has for the pigs to roam and how long have you had them? She also asked how much they weigh.

McDowell answered we have 2 acres of land. We have had the pigs since the beginning of this year. We have three 50-pound pigs and one 30-pound pig, they were one year old in May of this year.

Councilor Hawkins stated to Mr. King, you said a lot about the ordinance but this is not the topic of tonight's meeting. Councilor Hawkins asked Mr. King how long have you known the pigs were there? Mr. King answered I didn't know they were there until this came up, I have had experience with this, specifically the smell.

Councilor Hawkins asked Ms. Valenta can you smell the pigs? Ms. Valenta answered yes, you can smell pigs. As far as the pigs doing noxious weed control, that is not true and they don't do noxious weed control.

Councilor Hawkins asked Ms. Schubert are the pigs well cared for? When I first saw them, they were exposed to the weather. I helped put a top with two sides to enclose a building that helped them get out of the weather. There is a lot of foxtail grass that is not good for them.

Councilor Hawkins asked CA Wiggins did the planning commission specify breed in the permit. CA Wiggins answered no, they didn't specify breed it was just to keep 4 pigs.

Councilor Richter asked Ms. McDowell do they have adequate shelter with electricity for a heat lamp? Ms. McDowell answered I care very much about those pigs; they are a part of our family. The property is set up for animals. The enclosure is brand new with a brand-new fence.

Councilor Richter asked are they marked in any way? Ms. McDowell answered they are not marked. Why do these things that have to apply to me and no one else like insurance or a pedigree? These aren't farm animals and they have never been farm animals.

Councilor McMillan asked Ms. McDowell where on the property the pigs live. Ms. McDowell shows the pigs area on the maps provided. Councilor McMillan asked Mr. Sheehy about the other residents who are for. Mr. Sheehy and CA Wiggins answered that would be the Wentzel's. Councilor McMillan asked about the other Sheehy's, CA Wiggins answered they are not a neighbor but they took care of the pigs for a while.

CA Wiggins stated there is no ordinance for pigs, there is an ordinance for livestock we allow. You can keep outright these animals: cows, goats, horses, rabbits, sheep. If you read further it says conditional uses for livestock or animals than those listed above. We don't have law enforcement in this town. Our ordinance officer only works 12 hours a week and a lot of the time people don't know we have these rules. Sometimes we don't know until neighbors complain. I am going by what the ordinance says. I just want to be clear on the law and making it fair.

Mayor Flint asked CA Wiggins about the map that provides the residences within a 300-foot radius whom are for or against. CA Wiggins answered I provided a map and shows people for

and against. I provided that map to the planning commission. CA Wiggins stated the map that was provided tonight by Mr. Schwendemann, I would have to double check it to be sure it was correct.

This public hearing closed at 8:02 p.m.

After the public hearing closed, discussion amongst Council and Mayor began. Councilor Hawkins stated I have difficulty counting numbers on this. This is about a Conditional Use Permit on particular property and particular pigs. These concerns aren't about these pigs and our ordinance. Our ordinance is a completely different topic. I didn't hear a lot of people say they stink or the pigs chased my kids, I haven't heard that kind of thing. I heard more about our ordinance and I am afraid we have strayed a bit.

Councilor Richter stated there was a lot of discussion about ordinance and this is a case by case basis. I understand the circumstances and my heart is torn because these are pets, and they are pigs. They have a facility and acres. The neighbors should have some input on this. I haven't heard a lot of complaints either.

Councilor Blackburn stated I think we have been thorough on this; Ms. Upshaw talked about how great a place this is and I think this case has been presented on both sides. I hope this is still a great place to live after this case, no matter the decision and that we all remember to be neighborly and have common courtesy.

Councilor McMillan stated I keep going back to we haven't heard complaints yet. We can always address the complaints.

Mayor Flint asked about additional conditions and the current conditions on the permit. CA Wiggins answered you can add more conditions. The current conditions are the permit will be reviewed on a complaint basis, no breeding is allowed without another hearing, and the applicant shall be held accountable for all nuisance violations. No more than 5 pigs allowed on that property.

Councilor McMillan asked about acreage versus animals. CA Wiggins explained how 5 was arrived at. It is based on size of land where the animal will live.

Councilor Richter asked if a condition could be added that the pigs have shelter to get out of the weather.

CA Wiggins answered yes, you can.

Councilor McMillan stated maybe it should list the specific breed of pigs allowed.

Mayor Flint stated I am concerned about this down the road. We have 12-hour ordinance officer. In my experience a Conditional Use Permit is usually for buildings. This is the first I can recall a permit being about an animal. What about exotic pets? Will they need a permit too? Do we have the ability to handle it on a complaint basis? This is what I keep thinking about. Mayor Flint also discussed the other pig situation where no one complained.

On the decision, Mayor Flint explained the three options for voting. Yes, to overturn the planning commission decision, no to uphold the decision, and the third to make the planning go over it again.

Councilor Blackburn voted no, Councilor Hawkins voted no, Councilor Richter voted no. Councilor McMillan voted yes, and stated I would like to address the planning commission and add conditions to it.

The motion passed to uphold the planning commission decision 3-1.

Councilor Richter stated I would like to add guidelines to adequate living conditions. Councilor McMillan stated I would like to limit to 4 pigs. Councilor McMillan and Councilor Richter discussed adding breed. Mayor Flint stated I don't want to have to send our ordinance officer for training on pig breeds. CA Wiggins stated it would be limited to the four current pigs.

Councilor Blackburn motioned to add the condition of adequate shelter and limit it to the four pigs that currently live there. Councilor Richter second. The motion passed unanimously.

This meeting adjourned at 8:27 p.m.

Approved: _____
Mayor, Leonard Flint

Attest: _____
City Administrator/Recorder, Doug Wiggins